

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JACOB TYLER SCHWENK,)
Plaintiff,)
v.)
PRIMAL INNOVATION, LLC, and)
ENTIA, LLC,)
Defendants.)
Case No. 4:21-CV-00460-DGK

ORDER SETTING AMOUNT OF ATTORNEYS' FEES

This lawsuit stems from Defendant Primal Innovation, LLC's failure to pay Plaintiff Jacob Schwenk all he was owed during his employment as a Senior Research Geophysicist. Primal Innovation, LLC, is under the control of Defendant Entia, LLC, as either a subsidiary or affiliate.

The Court previously granted Plaintiff's Motions for Default Judgment against both Defendants. ECF Nos. 35, 36. The Court subsequently awarded damages of \$224,384.28 plus post-judgment interest and attorneys' fees. ECF No. 45.

Now before the Court is Plaintiff's motion to determine the precise amount of attorneys' fees to award pursuant to the Fair Labor Standards Act ("FLSA"). ECF No. 46. Plaintiff's counsel seeks \$77,510.00 for work performed in this case. She reports spending 134.8 hours on this case, and she requests compensation at \$575.00 per hour.

While the total amount of time counsel spent on this case is reasonable and supported by sufficient billing records, the Court finds the requested rate is excessive for the work performed in this case in this legal market. A rate of \$575.00 an hour is high, particularly for an attorney who does not have extensive experience litigating FLSA cases. And some of the work performed on

this case, such as drafting and editing the motions for default judgment, did not require the kind of legal expertise that merits \$575.00 an hour. Such work was more associate level work and should be compensated at associate rates.

Based on counsel's work in this case, and the Court's familiarity with this legal market and fee awards in other FLSA cases which were taken on a contingent fee basis, the Court finds an hourly rate of \$400 an hour is appropriate. Consequently, the Court finds a reasonable award of attorneys' fees in this case is \$53,920.00 (134.8 hours multiplied by \$400/hour).

Plaintiff's motion is GRANTED IN PART. The Court awards Plaintiff \$53,920 in attorneys' fees in addition to the sums already awarded in the Court's January 8, 2025, Order (ECF No. 45), as well as post-judgment interest.

IT IS SO ORDERED.

Date: February 13, 2025

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT